IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Maertens et al.
Serial No. 09/899,303
Filed: July 6, 2001
Atty. Ref.: 2551-109
Group: 1648
Examiner: Li, Bao Q.
For: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND THERAPEUTIC USE

* * * * * * * * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION

I, Franky TERRAS, do hereby declare and state as follows.

1. I am patent counsel for Innogenetics, the assignee of the above-identified application.

2. I hold a degree in engineering and Ph.D. in applied biological sciences, both of which were earned from Catholic University of Leuven, Belgium in 1990 and 1994, respectively. My Ph.D. work focused on the field of plant molecular biology, and in particular in the field of plant-fungus interactions, more in particular in the field of the isolation and characterization of antifungal proteins and their genes from plants. I have been patent counsel for Innogenetics for approximately 3½ years.

3. I have reviewed the above-identified application as well as the claims and the Office Action dated June 30, 2004. I have reviewed the Watanabe patent (U.S. Patent

No. 5,610,009) cited in the Office Action. I have been advised that the U.S. Examiner believes that amino acids 260-296 of HCV E1 contains a glycosylation site.

4. It is my belief, based on the following and the attached, that one of ordinary skill in the art would not believe that amino acids 260-296 of HCV E1 contains a glycosylation site.

5. Specifically, I have prepared, or had prepared at my direction, the attached seven (7) page alignment of known E1 sequences. The alignment highlights Asn (N) residues shaded in black as well as N-glycosylation sites (i.e., NX(S/T), wherein X is not Pro (P)) shaded in black. The reference sequence repeated on top of each page of the alignment is the HCV-1 sequence. Other sequences are defined at the left of each sequence by GenBank Accession number. The region of amino acids 260-296 has been indicated on each end by vertical lines running the width of the landscape printed pages of the alignment. The attached demonstrates that one of ordinary skill in the art will appreciate that the region of amino acids 260-296 of HCV E1 does not contain a glycosylation site, as defined by those of ordinary skill in the art and in the present specification.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Maertens et al.
Serial No. 09/899,303

Further, declarant sayeth not.

Franky TERRAS

October 27, 2004
Date